

REMARKS/ARGUMENTS

The pending claims are 17-31.

Claim 31 is amended herein to improve grammar. Support may be found, for example, in previous claim 31.

Claim 17 is amended to include the elements of claim 18, and claim 18 is canceled without prejudice or disclaimer.

Care has been taken to ensure that no new matter has been added to the claims. Entry of the amendments, and reconsideration, is requested.

Restriction Requirement

In response to the Restriction Requirement applied by the Examiner, Applicants elect **Group I** (Claims 17-23, 29-31), which was characterized by the Examiner as being drawn to (a) an organism comprising enzymes of eugenol and/or ferulic acid metabolism which are inactivated such that the intermediates coniferyl alcohol, coniferyl aldehyde, ferulic acid, vanillin and/or vanillic acid accumulate, (b) a method of use of the organism of (a) in the preparation of alcohols, aldehydes and organic acids, and (c) a method of making the organism of (a)).

Election is **with traverse**.

Traverse is on the grounds that the instant invention as currently claimed possesses a single general inventive concept under PCT Rule 13.1 because it possesses a special technical feature under PCT Rule 13.2 that is novel and has an inventive step over the cited prior art.

The Examiner states: "[t]he special technical feature of Group I is being an organism comprising enzymes of eugenol and/or ferulic acid metabolism which are inactivated such that the intermediates coniferyl alcohol, coniferyl aldehyde, ferulic acid, vanillin and/or vanillic acid accumulate."

According to the Examiner, this feature lacks novelty or inventive step over either Priefert et al. (J Bacteriol. 179(8):2595-2607, April 1997) or Gasson et al. (J. Biol. Chem. 273:4163-4170, 1998).

However, Applicants note that neither Priefert et al. nor Gasson et al. teaches accumulation of coniferyl alcohol, coniferyl aldehyde, ferulic acid, vanillin or vanillic acid. Instead, Priefert et al., teaches chemical mutagenesis to produce a *Pseudomonas* strain having an inactivated vanillin dehydrogenase gene, while Gasson et al. teaches chemical mutagenesis to produce a *Pseudomonas* strain that cannot produce vanillin. Both chemical mutagenesis techniques are known to those of ordinary skill in the art to produce substitution mutations, not deletions. Further, neither reference teaches inactivation of genes by deletion or by insertion of Ω elements, as recited, for example, in amended Claim 17.

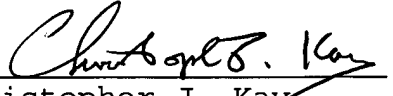
Therefore, Applicants assert that a single general inventive concept under PCT Rule 13.1 is present that possesses a novel and inventive special technical feature under PCT Rule 13.2.

U.S. PATENT APPLICATION
SERIAL NO.: 09/830,514
AMENDMENT A

ATTY DOCKET: 3968.057

Accordingly, reconsideration and withdrawal of the
Restriction Requirement is respectfully requested.

Respectfully submitted,



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Dated: **August 30, 2004**

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing RESPONSE TO
RESTRICTION REQUIREMENT, for U.S. Application No. 09/830,514
filed April 27, 2001, was deposited in first class U.S. mail,
postage prepaid, **Mail Stop Amendment**, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August
30, 2004.

The Commissioner is hereby authorized to charge any
additional fees which may be required at any time during the
prosecution of this application, except for the Issue Fee,
without specific authorization, or credit any overpayment, to
Deposit Account No. 16-0877.


Christopher J. Kay